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BEFORE THE
BOARD OF VOCATIONAL NURSING
AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

Case No. VN-2006-1037

LANETTE CATRENIA MORRIS
1009 Crystal Avenue
Fresno, CA 93728-2604

OAH No. 2009110157

Vocational Nurse License No.
VN 188958

Respondent.

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Vocational Nursing and Psychiatric Technicians as the Final Decision in the above entitled matter.

This Decision shall become effective on June 23, 2010.

IT IS SO ORDERED this 24th day of May, 2010.



John P. Vertido, L.V.N.
President

BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

LANETTE CATRENIA MORRIS
Fresno, California

Vocational Nurse License No. VN 188958,

Respondent.

Case No. VN 2006-1037

OAH No. 2009110157

PROPOSED DECISION

Robert Walker, Administrative Law Judge, State of California, Office of Administrative Hearings, heard this matter in Fresno, California, on February 23, 2010.

Arthur D. Taggart, Supervising Deputy Attorney General, represented the complainant, Teresa Bello-Jones, J.D., M.S.N., R.N., Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians.

The respondent, Lanette Catrenia Morris, appeared in propria persona.

The record was closed on February 23, 2010.

SUMMARY AND ISSUES

Between August of 2003 and June of 2008, respondent suffered six criminal convictions.

Complainant alleges that, because of the convictions, respondent's license should be suspended or revoked.

Complainant seeks cost recovery, and there are issues concerning the request for cost recovery.

FACTUAL FINDINGS

BACKGROUND

1. On July 29, 1999, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number VN 188958 to the respondent, Lanette Catrenia Morris.

2. From 1999 to March of 2006, respondent worked as a licensed vocational nurse (LVN). She worked through various agencies. She was assigned to do substitute nursing in convalescent hospitals and psychiatric hospitals. She also was assigned to provide private care for patients in their homes. Respondent has not worked as a nurse since March of 2006. From March of 2006 to May of 2008, however, she provided home health care to various clients. Since May of 2008, she has been unemployed.

AUGUST 2003 CONVICTION

3. On August 7, 2003, in the Superior Court of California for the County of Fresno, respondent was convicted of violating Penal Code section 273a, subdivision (b), child endangerment, a misdemeanor. The conviction was on a plea of no contest. The court suspended the imposition of sentence and placed respondent on probation for three years. As conditions of probation, the court required respondent to pay fines and fees and provide 100 hours of community service.

4. The incident that gave rise to the conviction occurred on April 1, 2003. Respondent was providing care for a 10-year-old, special needs child in respondent's home. The child had the mental capacity of a three-year-old, used a breathing apparatus, and had a feeding tube. Respondent testified that she went to her room to do some paperwork. The child left the house, crossed the street, and went to a neighbor's house. Respondent learned that her brother, who lived in her home, had let the child go outside to play. Respondent acknowledged that she was responsible for the care and safety of the child.

OCTOBER 2006 CONVICTION

5. On October 24, 2006, in the Superior Court of California for the County of Fresno, respondent was convicted of violating Vehicle Code section 23152, subdivision (a), driving under the influence off alcohol or drugs, a misdemeanor. The conviction was on a plea of nolo contendere. The court suspended the imposition of sentence and placed respondent on probation for three years. As a condition of probation, the court required respondent to serve 60 days in the county jail; however, the court suspended all but 10 days of the jail time. As further conditions of probation, the court required that respondent not drive without a valid driver's license, that she completed a three-month first offender alcohol program, and that she pay fines and fees.

6. The incident that gave rise to the October 2006 conviction occurred on July 30, 2006. Three people, in three separate calls to the Selma Police Department, reported that a driver was swerving and traveling at a very slow rate of speed. An officer responded to the calls and observed respondent's vehicle swerving from one lane to another. The officer initiated a traffic stop. He reported that he smelled an odor of marijuana emanating from the vehicle. The officer also reported that respondent told him that she consumed two or three Coronas earlier in the day and took six tablets off Soma and six tablets off Vicodin.

7. Respondent had a prescription for Vicodin. She now denies that she had been drinking.

DECEMBER 2006 CONVICTION

8. On December 29, 2006, in the Superior Court of California for the County of Fresno, respondent was convicted of violating Health and Safety Code section 11377, subdivision (a), possession of a controlled substance, a felony. The conviction was on a plea of guilty. The court placed respondent in a Penal Code section 1000 deferred entry of judgment program, and respondent entered into a drug treatment plea contract. On November 15, 2007, the court suspended the imposition of judgment, placed respondent on probation for two years, and referred respondent to the probation office for Proposition 36 monitoring. As a condition of probation, the court required respondent to complete the drug treatment plea contract.

9. At the time of this conviction, respondent was still on probation in connection with the October 24, 2006, conviction.

10. The incident that gave rise to the December 2006 conviction occurred on December 1, 2006. Officers from the Fresno Police Department were dispatched to a Walgreens pharmacy for a welfare check. The officers observed respondent standing in the store with her arms outstretched spinning in circles and dancing. Respondent had bloodshot, watery eyes and was licking her lips and rubbing her hands. One of the officers conducted a search and found two Ecstasy pills in respondent's purse.

11. Respondent testified that she was under a lot of stress in December of 2006 and had a nervous breakdown. She said that, at the time the police came to the pharmacy, she had been crying, and that may be the reason her eyes were bloodshot and watery. She said she had not taken Ecstasy but, nevertheless, agreed to enter the drug rehabilitation program. She completed the drug rehabilitation program.

12. As a matter in mitigation, respondent testified that, while she was in possession of Ecstasy pills, she had not taken any. She said she had planned to take some later that day.

JUNE 2007 CONVICTION

13. On June 27, 2007, in the Superior Court of California for the County of Fresno, respondent was convicted of violating Vehicle Code section 14601.1, subdivision (a), driving when driving privileges had been suspended or revoked, a misdemeanor. The conviction was on a plea of guilty. The court suspended the imposition of sentence and placed respondent on probation for three years. As a condition of probation, the court required respondent to serve 180 days in the county jail; however, the court suspended the jail time on condition that respondent comply with all of the other conditions of probation. As further conditions of probation, the court required respondent to pay fines and fees and not drive without a valid driver's license.

14. At the time of this conviction, respondent was still on probation in connection with the October 24, 2006, conviction and the December 29, 2006, conviction.

15. The incident that gave rise to the June 2007 conviction occurred on April 21, 2007. Respondent testified that she had not been able to pay the fine that was imposed in connection with her October 24, 2006, conviction for driving under the influence. Her driver's license had been suspended because of her failure to pay the fine.

APRIL 2008 CONVICTION

16. On April 1, 2008, in the Superior Court of California for the County of Fresno, respondent was convicted of violating Penal Code section 487, subdivision (a), grand theft, a misdemeanor. The conviction was on a plea of guilty. The court suspended the imposition of sentence and placed respondent on probation for two years. As a condition of probation, the court required respondent to serve 365 days in the county jail; however, the court suspended all but 48 days of the jail time. The court imposed other standard conditions of probation.

17. At the time of this conviction, respondent was still on probation in connection with the October 24, 2006, conviction; the December 29, 2006, conviction; and the June 27, 2007, conviction.

18. The incident that gave rise to the April 1, 2008, conviction occurred on August 18, 2006. Respondent cashed a check but had insufficient funds in her account to cover it.

19. Respondent testified that she served 30 days in jail in connection with the conviction for grand theft.

20. As a matter in mitigation, respondent testified that, at the time she cashed the check, she expected to be able to get funds and make a deposit to cover it. She said she had no job at the time and needed money to pay her rent and buy food for her children.

JUNE 2008 CONVICTION

21. On June 24, 2008, in the Superior Court of California for the County of Fresno, respondent was convicted of violating Penal Code section 12020, subdivision (a)(1), unlawful possession of a firearm. The conviction was on a plea of nolo contendere. The court suspended the imposition of sentence and placed respondent on probation for two years. As a condition of probation, the court required respondent to serve 365 days in the county jail; however, the court suspended all but 48 days of the jail time. The court imposed other standard conditions of probation.

22. At the time of this conviction, respondent was still on probation in connection with the October 24, 2006, conviction; the December 29, 2006, conviction; the June 27, 2007, conviction; and the April 1, 2008, conviction.

23. The incident that gave rise to the June 2008, conviction occurred on May 29, 2008.

24. As a matter in mitigation, respondent testified that the gun was not hers. She testified as follows: Respondent was staying with a client providing in-home care. Another woman who stayed in the home had a gun. Someone called the police regarding a matter that had nothing to do with the gun. The other woman was trying to conceal the gun before the police arrived. Just as the police were coming into the home, the other woman handed the gun to respondent. A police report tends to corroborate respondent's testimony. The police, nevertheless, arrested respondent. Her December 2006 conviction had been for a felony, and she was still on probation. Thus, she was a convicted felon with a gun.

25. Respondent testified that she does not keep guns. She said, "I care for people; I don't harm them."

PROBATIONS SCHEDULED TO TERMINATE

26. Respondent continues to be on probation in connection with the June 27, 2007, conviction; the April 1, 2008, conviction; and the June 24, 2008, conviction. Those probations, however, are scheduled to terminate in April and June of 2010. Thus, if respondent continues to satisfy the conditions of those probations, she will conclude the last of her probations on June 27, 2010.

CHARACTER OF THE CRIMES OF WHICH RESPONDENT HAS BEEN CONVICTED

27. The crimes of which respondent has been convicted are crimes that are substantially related to the qualifications, functions, or duties of an LVN.

REHABILITATION

28. In September of 2009, respondent began seeing Dr. Middleton, a psychiatrist, who manages her medications. She said she takes prescription drugs for depression, anxiety, and insomnia. Respondent has been seeing a psychologist from Families First one hour a week for therapy. Also, respondent sees a social worker from Families First. She sees him two hours a week.

29. Respondent has not concentrated on maintaining her license or taking continuing education courses because she thought it was of paramount importance to find psychiatric help and "get back to being myself." She said she went through a period of not being well enough to provide care for other people. She said that she also has devoted a substantial amount of time to making sure everything is okay with her family.

30. Respondent testified that she attends Alcoholics Anonymous and Narcotics Anonymous meetings and has a sobriety date of March 2007.

31. Respondent testified that she is very remorseful for having done the things that led to her convictions and that she is determined to stay out of trouble and work as a nurse again. She said she will continue to work with the psychiatrist, the psychologist, and the social worker. She declared that she "will not break the law again."

COSTS

32. Complainant submitted a certification of costs showing costs of investigation and enforcement in the amount of \$1,494. The evidence shows that those costs were incurred and that they are reasonable.

33. Respondent has two adult children and three minor children. All of them live with her. Her youngest child is disabled and receives \$609 a month in social security benefits. Respondent has not been employed since May of 2008. She receives approximately \$400 a month in aid to families with dependent children. One of her sons, a student, gives her approximately \$100 a month. Her other adult son currently is unemployed.

34. Respondent testified that she has no valuable assets and receives no child support.

35. She pays rent of \$650 a month.

36. Respondent said it would be impossible for her to pay anything toward the costs. She said she does not even buy clothes for her children; she gets clothes for them through charitable organizations.

LEGAL CONCLUSIONS

GROUND TO SUSPEND OR REVOKE RESPONDENT'S LICENSE

1. By reason of the matters set forth in Findings 3 through 27, it is determined that respondent has been convicted of crimes substantially related to the qualifications, functions, and duties of an LVN. Thus, pursuant to Business and Professions Code section 2878, subdivision (f), and Business and Professions Code section 490, there are grounds to suspend or revoke respondent's license.

2. By reason of the matters forth in Findings 8 through 12, it is determined that respondent engaged in unprofessional conduct in that she unlawfully possessed a controlled substance, Ecstasy. Thus, pursuant to Business and Professions Code section 2878.5, subdivision (a), and Business and Professions Code section 2878, subdivision (a), there are grounds to suspend or revoke respondent's license.

3. By reason of the matters forth in Findings 5 and 6, it is determined that respondent engaged in unprofessional conduct in that she used controlled substances, dangerous drugs, or alcoholic beverages to an extent or in a manner dangerous or injurious to herself or others. Thus, pursuant to Business and Professions Code section 2878.5, subdivision (b), and Business and Professions Code section 2878, subdivision (a), there are grounds to suspend or revoke respondent's license.

4. By reason of the matters forth in Findings 5 through 11, it is determined that respondent engaged in unprofessional conduct in that she was convicted of criminal offenses involving the consumption of alcoholic beverages and possession of a controlled substance. Thus, pursuant to Business and Professions Code section 2878.5, subdivision (c), and Business and Professions Code section 2878, subdivision (a), there are grounds to suspend or revoke respondent's license.

5. By reason of the matters set forth in Findings 16 through 20, it is determined that respondent has committed an act involving dishonesty that is substantially related to the qualifications, functions, and duties of an LVN. Thus, pursuant to Business and Professions Code section 2878, subdivision (j), there are grounds to suspend or revoke respondent's license.

6. Respondent is to be congratulated for the progress she has made toward rehabilitation. Her commitment to caring for her children is admirable. Also, her determination to secure the psychiatric and psychological help she needs is admirable. But she sustained two convictions within the past two years, and she continues to be on probation. Good conduct while on probation, with a view to avoiding the risk of going to prison, or good conduct while incarcerated, does not necessarily demonstrate integrity. On this record it is not possible to find that it would be in the interest of the public for respondent to continue to hold a license as an LVN. Her license should be revoked.

COSTS

7. By reason of the matters set forth in Finding 32, it is determined that the board's costs in this matter were \$1,494 and that, within the terms of Business and Professions Code section 125.3, those costs were reasonable.

8. In *Zuckerman v. State Board of Chiropractic Examiners*,¹ a case in which the State Board of Chiropractic Examiners had disciplined a license, the Supreme Court of California dealt with the issue of cost recovery. The court held that "the Board must exercise its discretion to reduce or eliminate cost awards in a manner that will ensure that . . . [cost recovery] does not deter chiropractors with potentially meritorious claims or defenses from exercising their right to a hearing." The court established five rules that an agency must observe in assessing the amount to be charged. To some extent, these rules are similar to matters one would consider in determining whether costs are reasonable. The court's rules, however, go beyond consideration of whether the costs are reasonable. The court said:

[T]he Board must not assess the full costs of investigation and prosecution when to do so will unfairly penalize a chiropractor who has committed some misconduct but who has used the hearing process to obtain dismissal of other charges or a reduction in the severity of the discipline imposed. The Board must consider the chiropractor's "subjective good faith belief in the merits of his or her position" [citation] and whether the chiropractor has raised a "colorable challenge" to the proposed discipline [citation]. Furthermore, as in cost recoupment schemes in which the government seeks to recover from criminal defendants the cost of their state-provided legal representation [citation] the Board must determine that the chiropractor will be financially able to make later payments. Finally the Board may not assess the full costs of investigation and prosecution when it has conducted a disproportionately large investigation and prosecution to prove that a chiropractor engaged in relatively innocuous misconduct.²

9. In this case, respondent did engage in the conduct that is the primary focus of the accusation. Respondent offered no evidence that assessing the full costs of investigation and prosecution would constitute an unfair penalty.

10. It is determined that this was not a case in which the agency conducted a disproportionately large investigation and prosecution to prove relatively innocuous misconduct.

¹ *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32.

² *Id.* at p. 45.

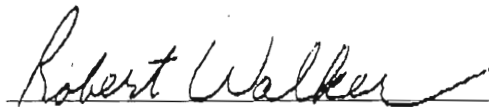
11. *Zuckerman* requires that, in assessing costs, an agency must consider a licensee's "subjective good faith belief in the merits of his or her position" and must consider whether the licensee has raised a "colorable challenge" to the proposed discipline. Respondent did offer some evidence of her progress toward rehabilitation, but it was not sufficient to raise even a colorable challenge to the proposed discipline.

12. That leaves one final matter to be considered. Will respondent be financially able to make payments to reimburse the agency for its costs? At this time, respondent is unable to pay anything toward the board's costs. If respondent applies for reinstatement of her license in the future and if the board grants her application on condition that she pay the costs, the board, as is required by *Zuckerman*, shall determine whether a payment schedule is necessary so that respondent will be financially able to pay the board's costs.

ORDER

1. Respondent's license is revoked.
2. If the board grants an application for reinstatement of respondent's license but imposes a condition that she pay the board's costs in this matter, the board shall determine whether a payment schedule is necessary so that respondent will be financially able to pay the costs.

DATED: March 25, 2010


ROBERT WALKER
Administrative Law Judge
Office of Administrative Hearings

FILED

OCT 01 2009

**Board of Vocational Nursing
and Psychiatric Technicians**

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2006-1037

LANETTE CATRENIA MORRIS

A C C U S A T I O N

1009 Crystal Avenue
Fresno, CA 93728-2604

Vocational Nurse License No. VN 188958

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

2. On or about July 29, 1999, the Board issued Vocational Nurse License Number VN 188958 to Lanette Catrenia Morris ("Respondent"). Respondent's vocational nurse license expired on January 31, 2009.

STATUTORY PROVISIONS

3. Business and Professions Code ("Code") section 2875 provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

1 4. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a
2 license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the
3 period within which the license may be renewed, restored, reissued or reinstated. Pursuant to
4 Code section 2892.1, the Board may renew an expired license at any time within four years after
5 the expiration.

6 5. Code section 2878 states, in pertinent part:

7 The Board may suspend or revoke a license issued under this chapter [the
8 Vocational Nursing Practice Act (Bus. & Prof. Code § 2840, et seq.)] for any of the
following:

9 (a) Unprofessional conduct . . .

10

11 (f) Conviction of a crime substantially related to the qualifications,
12 functions, and duties of a licensed vocational nurse, in which event the record of the
conviction shall be conclusive evidence of the conviction.

13

14 (j) The commission of any act involving dishonesty, when that action is
15 related to the duties and functions of the licensee . . .

16 6. Code section 2878.5 states, in pertinent part:

17 In addition to other acts constituting unprofessional conduct within the
18 meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional
conduct for a person licensed under this chapter to do any of the following:

19 (a) Obtain or possess in violation of law, or prescribe, or except as
20 directed by a licensed physician and surgeon, dentist or podiatrist administer to
himself or herself or furnish or administer to another, any controlled substance as
21 defined in Division 10 of the Health and Safety Code, or any dangerous drug as
defined in Section 4022.

22 (b) Use any controlled substance as defined in Division 10 of the Health
23 and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic
beverages, to an extent or in a manner dangerous or injurious to himself or herself,
24 any other person, or the public, or to the extent that the use impairs his or her ability
to conduct with safety to the public the practice authorized by his or her license . . .

25 (c) Be convicted of a criminal offense involving possession of any
26 narcotic or dangerous drug, or the prescription, consumption, or self administration of
any of the substances described in subdivisions (a) and (b) of this section, in which
27 event the record of the conviction is conclusive evidence thereof . . .

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1 7. Code section 2878.6 states:

2 A plea or verdict of guilty or a conviction following a plea of nolo
3 contendere made to a charge substantially related to the qualifications, functions and
4 duties of a licensed vocational nurse is deemed to be a conviction within the meaning
5 of this article. The board may order the license suspended or revoked, or may decline
6 to issue a license, when the time for appeal has elapsed, or the judgment of conviction
7 has been affirmed on appeal or when an order granting probation is made suspending
8 the imposition of sentence, irrespective of a subsequent order under the provisions of
9 Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty
10 and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing
11 the accusation, information or indictment.

12 8. Code section 490, subdivision (a), states:

13 In addition to any other action that a board is permitted to take against a
14 licensee, a board may suspend or revoke a license on the ground that the licensee has
15 been convicted of a crime, if the crime is substantially related to the qualifications,
16 functions, or duties of the business or profession for which the license was issued.

17 9. Code section 4022 states:

18 "Dangerous drug" or "dangerous device" means any drug or device
19 unsafe for self-use in humans or animals, and includes the following:

20 (a) Any drug that bears the legend: "Caution: federal law prohibits
21 dispensing without prescription," "Rx only," or words of similar import.

22 (b) Any device that bears the statement: "Caution: federal law restricts
23 this device to sale by or on the order of a -----," "Rx only," or words of similar
24 import, the blank to be filled in with the designation of the practitioner licensed to use
25 or order use of the device.

26 (c) Any other drug or device that by federal or state law can be lawfully
27 dispensed only on prescription or furnished pursuant to Section 4006.

28 10. California Code of Regulations, title 16, section 2521, states, in pertinent part:

For the purposes of denial, suspension, or revocation of a license pursuant
to Division 1.5 (commencing with Section 475) of the Business and Professions
Code, a crime or act shall be considered to be substantially related to the
qualifications, functions or duties of a licensed vocational nurse if to a substantial
degree it evidences present or potential unfitness of a licensed vocational nurse to
perform the functions authorized by his license in a manner consistent with the public
health, safety, or welfare . . .

COST RECOVERY

11. Code section 125.3 provides, in pertinent part, that the Board may request the
administrative law judge to direct a licensee found to have committed a violation or violations of

///

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **CONTROLLED SUBSTANCES AND DANGEROUS DRUGS AT ISSUE**

4 12. "Ecstasy" is the street name for MDMA (3,4-methylenedioxy methamphetamine).
5 MDMA is a Schedule I controlled substance as designated by Health and Safety Code section
6 11054, subdivision (d)(6).

7 13. "Soma," a brand of carisoprodol, is a dangerous drug within the meaning of Business
8 and Professions Code section 4022 in that it requires a prescription under federal law.

9 14. "Vicodin" is a compound consisting of 5 mg hydrocodone bitartrate, also known as
10 dihydrocodeinone, and 500 mg acetaminophen per tablet, and is a Schedule III controlled
11 substance as designated by Health and Safety Code section 11056, subdivision (e)(4).

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Criminal Convictions)**

14 15. Respondent is subject to disciplinary action pursuant to Code sections 2878,
15 subdivision (f), and 490, subdivision (a), in that she was convicted of crimes which are
16 substantially related to the qualifications, functions, and duties of a licensed vocational nurse, as
17 follows:

18 a. On or about August 7, 2003, in the criminal proceeding titled *People v. Lanette*
19 *Catrenia Morris* (Super. Ct. Fresno County, 2003, Case No. M03913179-8), Respondent pled no
20 contest to violating Penal Code section 273a, subdivision (b) (child endangerment, a
21 misdemeanor). The circumstances of the crime are as follows: On or about April 1, 2003,
22 officers with the Fresno Police Department were dispatched to a private residence regarding a
23 child endangerment call. After arriving on scene, the officers received a report from a witness,
24 who stated that her daughter saw W.M., a 10 year old special needs child, standing in the street.
25 W.M. had the mental capacity of a two to three year old, used a breathing apparatus, and had a
26 feeding tube. The witness had W.M. in her home for approximately 45 minutes before anyone
27 came looking for him. Eventually, the officers contacted Respondent, who had been caring for

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1 W.M. After taking statements from Respondent and certain witnesses, the officers determined
2 that Respondent failed to watch and care for W.M. properly, placing the child in danger.

3 b. On or about October 24, 2006, in the criminal proceeding titled *People v. Lanette*
4 *Catrenia Morris* (Super. Ct. Fresno County, 2006, Case No. M06801276), Respondent pled nolo
5 contendere to violating Vehicle Code section 23152, subdivision (a) (driving under the influence
6 of alcohol or drugs, a misdemeanor). The imposition of Respondent's sentence was suspended
7 and Respondent was placed on 3 years conditional sentence probation, on terms and conditions,
8 including that Respondent not drive without a valid driver's license in her possession. The
9 circumstances of the crime are as follows: On or about July 30, 2006, an officer with the Selma
10 Police Department received three separate calls regarding a possible driver who was under the
11 influence. The callers stated that the vehicle was swerving in the road and was traveling at a very
12 slow rate of speed. The officer located the vehicle and observed that it was swerving in the
13 number two and three lanes of the highway. The officer initiated a traffic stop and upon
14 approaching the vehicle, smelled an odor of marijuana omitting from the vehicle. Respondent
15 rolled down the window and gave the officer her identification. Later, Respondent told the
16 officer that she had consumed 2 or 3 Coronas earlier in the day and later, took 6 tablets each of
17 Soma and Vicodin (Respondent alleged that she took prescription Soma and Vicodin for her
18 depression).

19 c. On or about December 29, 2006, in the criminal proceeding titled *People v. Lanette*
20 *Catrenia Morris* (Super. Ct. Fresno County, 2006, Case No. F06909523), Respondent pled guilty
21 to violating Health and Safety Code section 11377, subdivision (a) (possession of a controlled
22 substance, a felony). The circumstances of the crime are as follows: On or about December 1,
23 2006, officers with the Fresno Police Department were dispatched to Walgreens Pharmacy for a
24 welfare check. The officers entered the store and observed Respondent, who was standing with
25 her arms outstretched and was spinning in circles. Respondent had bloodshot, watery eyes, was
26 licking her lips, was moving and rubbing her hands non-stop, and could not stand still. The
27 officers determined that Respondent appeared to be under the influence of a controlled substance.
28 One of the officers took Respondent into custody and placed her into the back seat of his patrol

1 vehicle. The officer conducted a searched of Respondent's purse and found, among other things,
2 Ecstasy pills. The above incident occurred while Respondent was on probation for the offense
3 set forth in subparagraph (b) above.

4 d. On or about June 27, 2007, in the criminal proceeding titled *People v. Lanette C.*
5 *Morris* (Super. Ct. Fresno County, 2007, Case No. M07918911), Respondent pled guilty to
6 violating Vehicle Code section 14601.1, subdivision (a) (driving when privilege suspended or
7 revoked, a misdemeanor). The imposition of Respondent's sentence was suspended and
8 Respondent was placed on conditional probation for 36 months on terms and conditions. The
9 incident on which Respondent's conviction is based occurred on or about April 21, 2007, while
10 Respondent was on criminal probation for the offense set forth in subparagraph (b) above.

11 e. On or about April 1, 2008, in the criminal proceeding titled *People v. Lanette*
12 *Catrenia Morris* (Super. Ct. Fresno County, 2008, Case No. F07900661), Respondent pled guilty
13 to violating Penal Code section 487, subdivision (a) (grand theft, a misdemeanor). The
14 imposition of Respondent's sentence was suspended and Respondent was placed on 2 years
15 conditional sentence probation on terms and conditions, including that Respondent serve 365 days
16 in the Fresno County Jail. The circumstances of the crime are as follows: On or about August
17 18, 2006, Respondent unlawfully took money and personal property from West Side Market of a
18 value exceeding \$400. The incident occurred while Respondent was on criminal probation for the
19 offenses set forth in subparagraphs (b) and/or (d) above.

20 f. On or about June 24, 2008, in the criminal proceeding titled *People v. Lanette*
21 *Catrenia Morris* (Super. Ct. Fresno County, 2008, Case No. F08903623, Respondent pled nolo
22 contendere to violating Penal Code section 12020, subdivision (a)(1) (unlawful possession of a
23 firearm). The imposition of Respondent's sentence was suspended and Respondent was placed on
24 2 years conditional sentence probation on terms and conditions. Respondent was also ordered to
25 serve 365 days in the Fresno County Jail. The circumstances of the crime are as follows: On or
26 about May 29, 2008, while on felony probation for the offenses set forth in subparagraphs (b),
27 (d), and/or (e) above, Respondent was found in possession of a sawed-off shotgun.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Possession of a Controlled Substance)**

3 16. Respondent is subject to disciplinary action pursuant to Code section 2878,
4 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2878.5,
5 subdivision (a), in that on or about December 1, 2006, Respondent unlawfully possessed the
6 controlled substance Ecstasy, as set forth in subparagraph 15 (c) above.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Use of Controlled Substances, Dangerous Drugs, and Alcoholic Beverages
9 to an Extent or in a Manner Dangerous or Injurious to Oneself and Others)**

10 17. Respondent is subject to disciplinary action pursuant to Code section 2878,
11 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2878.5,
12 subdivision (b), in that on or about July 30, 2006, and/or December 1, 2006, Respondent used
13 controlled substances, dangerous drugs, and/or alcoholic beverages to an extent or in a manner
14 dangerous or injurious to herself and others, as set forth in subparagraphs 15 (b) and (c) above.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Criminal Convictions Involving Possession of a Controlled Substance
17 and Consumption of Alcoholic Beverages)**

18 18. Respondent is subject to disciplinary action pursuant to Code section 2878,
19 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2878.5,
20 subdivision (c), in that on or about October 24, 2006, and December 29, 2006, Respondent was
21 convicted of criminal offenses involving the consumption of alcoholic beverages and possession
22 of a controlled substance (Ecstasy), as set forth in subparagraphs 15 (b) and (c), respectively.

23 **FIFTH CAUSE FOR DISCIPLINE**

24 **(Dishonest Acts)**

25 29. Respondent is subject to disciplinary action pursuant to Code section 2878,
26 subdivision (j), in that on or about August 18, 2006, Respondent committed an act involving
27 dishonesty while licensed as a vocational nurse, as set forth in subparagraph 15 (e) above.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
4 issue a decision:

- 5 1. Revoking or suspending Vocational Nurse License Number VN 188958, issued to
6 Lanette Catrenia Morris;
- 7 2. Ordering Lanette Catrenia Morris to pay the Board of Vocational Nursing and
8 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,
9 pursuant to Business and Professions Code section 125.3;
- 10 3. Taking such other and further action as deemed necessary and proper.

11
12 DATED: October 1, 2009


TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant